

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES SEEGARS, No. C 12-03275 CW (PR)
Petitioner, ORDER TO SHOW CAUSE
v.
KEVIN CHAPPELL, Warden,
Respondent.

Petitioner, a state prisoner proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state criminal conviction. He has paid the filing fee and it does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California. The Clerk also shall serve a copy of this Order on Petitioner at his current address.

2. No later than sixty days from the date of this Order, Respondent shall file with this Court and serve upon Petitioner an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer all portions of the state record that have been transcribed previously and are relevant to a determination of the issues presented by the petition.

If Petitioner wishes to respond to the Answer, he shall do so

1 by filing a Traverse with the Court and serving it on Respondent
2 no later than thirty days from his receipt of the Answer. If he
3 does not do so, the petition will be deemed submitted and ready
4 for decision on the date the Traverse is due.

5 3. No later than sixty days from the date of this Order,
6 Respondent may file with this Court and serve upon Petitioner a
7 motion to dismiss on procedural grounds in lieu of an Answer, as
8 set forth in the Advisory Committee Notes to Rule 4 of the Rules
9 Governing Section 2254 Cases.

10 If Respondent files such a motion, Petitioner shall file with
11 the Court and serve on Respondent an opposition or statement of
12 non-opposition to the motion within twenty-eight days of receipt
13 of the motion, and Respondent shall file with the Court and serve
14 on Petitioner a reply within fourteen days of receipt of an
15 opposition.

16 4. It is Petitioner's responsibility to prosecute this
17 case. He must keep the Court and Respondent informed of any
18 change of address and comply with the Court's orders in a timely
19 fashion. He also must serve on Respondent's counsel all
20 communications with the Court by mailing a true copy of the
21 document to Respondent's counsel.

22 5. Extensions of time are not favored, though reasonable
23 extensions will be granted. Any motion for an extension of time
24 must be filed no later than ten days prior to the deadline sought
25 to be extended.

26 IT IS SO ORDERED.

27 Dated: 12/4/2012

28 
CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE